



Canadian Association of Elizabeth Fry Societies™  
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## *Canadian Association of Elizabeth Fry Societies*

### *Annual General Meeting – 2010*

#### **President's Report**

By working to achieve equality and justice, we are continually working to eliminate the need for organization such as CAEFS. We continue to work toward this end, and this year, we acknowledge some of the work that Kim Pate, our Executive Director has been recognized for. In particular, she has received three awards worth mentioning.

- ***CBA 2009 Touchstone Award*** – This award “celebrates the accomplishments of an individual or an organization that has excelled in promoting equality in the legal profession, the judiciary, or the legal community in Canada. The award recognizes significant national initiatives to advance equality and/or contribution relating to race, disability, sexual orientation or other diversity issues in the community.” (CBA Web Site).
- ***2010 LEAF Equality Day Award*** – To Celebrate the 15<sup>th</sup> Anniversary of LEAF, Kim Pate, along with 15 other women in the legal profession were celebrated for their significant and meaningful contributions towards women’s access to and equality in and under the law.
- ***2010 Vagina Warrior Award*** – This year, Kim joined the long list of women as an award recipient honoured for the difference she is making in her community by working to end violence against women in their communities, spread education about violence against women and change systemic issues that negatively affect women.

This year has been a very busy one with a number of legal actions arising, including:

- Pursuing Ashley Smith's request that we access her files;
- Potential challenge to CSC's Management Protocol Regime and overall classification process, especially for Indigenous women;
- Challenging the transfer of a young woman from the youth system into the federal penitentiary system, less than one month after the death of Ashley Smith;
- In sentencing procedures, including prison as a risk factor likely to induce violent behavior;
- Assessing cases for potential conviction reviews;
- Assisting defence counsel to challenge the charging and prosecuting of women who use lethal force to defend themselves and/or their children;
- Presenting evidence to counter the regressive law and order agenda outlined in successive new legislative reforms tabled in Parliament.

On behalf of the entire network, we thank all of the members of the Board of Directors and our membership for your continued efforts to maintain CAEFS' stellar reputation and steadfast determination to fulfill our mandate without compromising fairness, humanity or equality. On behalf of the Board, I also thank Kim Pate, our tireless Executive Director, for her dedication and hard work on behalf of CAEFS. We owe a debt of tremendous gratitude to all who have helped to build and shape CAEFS for the women and girls with and on behalf of whom we work.



Lucie Joncas  
President  
Canadian Association of Elizabeth Fry Societies



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## *Treasurer's Report*

*Fiscal Year: April 1, 2009 – March 31, 2010*

It is with pleasure that I am able to report to our membership that the fiscal situation of the Canadian Association of Elizabeth Fry Societies (CAEFS) continues to remain positive and stable. We are wisely planning for the future in the event that this is not the situation we face in the coming years.

Once again, particularly in these times of economic, social and personal restraint, we are proud that we have ensured that the CAEFS' membership is well represented by our national office. Fiscal constraints have not diminished our efforts on behalf of the victimized, marginalized, criminalized and institutionalized women with and on behalf of whom we exist. Our Executive Director has continued to offset some of these expenses by donating to CAEFS the resources she raises via her speaking engagements, awards and her teaching at the University of Ottawa, Faculty of Law.

We look forward to continuing to fulfill the mandate of CAEFS. A detailed accounting of our expenditures is available in our audited financial statements. All financial commitments have been met and CAEFS has operated in accordance with the direction of the Board throughout the past year. On behalf of the Board of Directors, I thank all of the membership for your continued efforts to maintain CAEFS' fiscal stability.

Cathie Penny  
Treasurer  
Canadian Association of Elizabeth Fry Societies



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### **Executive Director's Report**

*How wonderful it is that nobody need wait a single moment before starting to improve the world.*

Anne  
Frank

Working with our membership, Board and the women with whom we have the profound privilege and responsibility of walking part of their life paths, continues to be one of the most rewarding features of this position. Thank you to each and every one of you committed, caring and compassionate women for doing your level best to alleviate oppression and improve the world.

In terms of our activities, during the past year, we were invited by individual Members of Parliament, Senators, Parliamentary and Senate Committees to meet with and/or appear before them to comment on current legislative and policy reform issues on 31 occasions. Furthermore, we had 337 meetings with political staff and bureaucrats.

We spoke at 107 individual events, from public talks, recognition ceremonies, conference presentations to media events. Although my personal circumstances required me to curtail my travel somewhat this year, I attended a number of regional meetings in person or via teleconference and accompanied Regional Advocates to the federal prisons, in addition to having the opportunity to meet with Board members, staff and/or volunteers and clientele of 15 of our 25 members, as well as our newest emerging Elizabeth Fry Society on Prince Edward Island.

We contributed to media stories on 84 occasions and wrote 10 reports, articles or papers for presentation or publication, as well as 420 letters. This does not include the volume of additional information influx that the CAEFS office receives. For instance, we also dealt with 45,170 emails, 8,128 telephone calls, and 927 faxes.

The figures I just listed do not reflect the additional work contributed by our amazingly enthusiastic and creative membership across Canada. Regardless of resource limitations, our network of local Elizabeth Fry Society offices across Canada make a significant and enduring impact in their respective communities, regions, and for the country as a whole. This reality notwithstanding, as you review our reports and as we continue our work, you will see that there is still much work to be done by our wonderful network of phenomenal women.

The following report will provide you with an overview of our work to promote the rights and entitlements of women with the lived experience of criminalization and/or imprisonment. As we continue to learn and grow via our collective and collaborative efforts, we look forward to also celebrating the strength, flexibility, tenacity and evolution of the network.

### **Priority Issues and Law Reform Initiatives**

Canadians are smart, concerned and compassionate people. As recent media stories and other public discussions reveal, they are not fooled by inflammatory rhetoric or baseless allegations that punishment is an effective remedy to crime or means of promoting public safety. Rather, there is mounting proof that pushes for longer and more mandatory minimum sentences actually promote fear and that more austere and isolating prison conditions are at best debilitating, and ,at worst, brutalizing. The case for progressive sentencing and community integration policies is grounded in research and reliable evidence.

Canadian taxpayers are increasingly frustrated by the government's lurch toward longer and more punitive sentences. They are also fundamentally opposed to the long-term devastation occasioned by the evisceration of social, health, educational and fiscal resources. Likewise, as we heard first hand during the forum on Parliament Hill that the Housing Committee sponsored, it is very clear that many Canadians question the rush to accept prisons as the default for a lack of housing for the homeless, or shelter for those escaping violence. In addition, people are not willing to accept prisons as a substitute for community-based treatment for those with disabling mental health issues or childhood institutional abuse.

#### **\* Regional Advocacy**

The Regional Advocate Teams in each of the regions are a tremendous credit to CAEFS. They give voice to the women inside and facilitate linkages between women and our membership, as well as other community supports and resources. In the coming year, we look forward to the opportunity to renew partnerships with governmental and non-governmental leadership focusing on the need to enhance community-based resources for women. CAEFS Regional Advocacy Teams have already started on this work by enhancing community-based prevention and sentencing options, as well community

integration opportunities. I encourage all of you to request and read their reports in order to further update yourselves regarding the matters that are of relevance to the women.

\* 'Management Protocol' Regime

The Correctional Service of Canada (CSC) currently labels four women as being subjected to their 'management protocol'. All four are Indigenous women from the Prairie Region who remain in conditions of confinement that violate rights that are enshrined in the *Canadian Charter of Rights and Freedoms*, the *Canadian Human Rights Act*, the *Corrections and Conditional Release Act*, and numerous international agreements and covenants to which Canada is a signatory. All four women are currently isolated in segregation units in different regional prisons for women across the country.

In his most recent annual report, the Correctional Investigator condemned and called for the termination of the protocol and the redressing of the issues created by the adoption by the CSC of this super-maximum security designation for women. The CSC consequently enlisted a former warden and a researcher to conduct a review of the protocol. They are also apparently tasked with developing ideas for alternatives to the protocol to 'manage' the women currently so designated. We continue to explore potential remedial avenues for the women.

\* Oversight of Corrections Urgently Required

CAEFS continues our pursuit of the files that Ashley Smith asked us to review on her behalf. Despite the Federal Court ruling of Mr. Justice Kelen that Ms Smith's files be released to us in accordance with her request, the Correctional Service of Canada (for the Minister of Public Safety) chose to appeal that decision. As such, more than 2½ years after her death, Ashley's files have still not been released to us. This struggle is emblematic of the urgent need for external oversight of corrections. Given the challenges associated with our struggles to obtain remedy in this situation, one can only imagine how well nigh impossible it would be for a woman or man in prison to attempt to exercise their rights.

Ashley's family, the Correctional Investigator of Canada, Members of Parliament, as well as many organizations and individuals, including the Honourable Louise Arbour, have consequently renewed calls for the full implementation of the recommendation made by the Arbour Commission thirteen years ago. Among others, these include:

- the need to establish external, independent correctional oversight and redress mechanisms that are comprehensive and accessible;
- the need to correct the policies and procedures in the federal prison system which result in women, who corrections recognizes pose a low risk to public safety, being classified as maximum-security prisoners;

- the need to end the use of male guards in prisons for women, as well as the need for prisoner-focused policies to end sexual harassment, exploitation and assault, as well as other abuses and misuses of power and authority;
- judicial oversight of the use of segregation and other forms of confinement; charging practices and correctional interference with the integrity of sentences of imprisonment.

\* Criminal Justice Reforms

We are also extremely concerned about the government's regressive law and order agenda, especially the potential it has to increase the numbers of women who will be crammed into our prison system. Accordingly, we are opposed to the proliferation of mandatory minimum and longer prison sentences, as well as the cuts to programs and services within prisons for adults and youth. We also reiterate our concerns that youth not be subjected to adult penalties for juvenile errors. We have ensured that our Members of Parliament, Senators, media and the general public are aware of our concerns. We also remind them that, paradoxically, Canada is on a trajectory in pursuit of U.S. criminal justice policies of decades past, at the same time as the United States is retreating from such agenda.

The Parliamentary Budget Officer (PBO) is currently working on the financial implications of some of the new legislation. Along with a number of others with expertise in institutional housing, costing and long term planning and cost projections, I participated in a panel assembled by the PBO to help cost the legislation. Although the plans were originally to try to cost out a number of the pieces of legislation, the task proved so complex, that the PBO focused on Bill C-25 alone. That is the legislation referred to as the "truth in sentencing" act that Parliament passed in 2009.

Bill C-25 limits the discretion of judges to credit time served in pre-sentence custody. Judges had this discretion in order to permit them to credit pre-trial detention in a manner that recognized the disproportionately egregious conditions and lack of treatment and other services for those awaiting trial. Along with the John Howard Society of Canada (JHSC), the Canadian Association of Elizabeth Fry Societies (CAEFS) commends the work of the Parliamentary Budget Office (PBO) for their thorough and rigorous analysis of Bill C-25,

Correctional Services Canada estimates that it will add between 10-11% to Canada's federally sentenced prison population, requiring a costly expansion of Canada's prison infrastructure. Meanwhile our crime rate continues its long-term decline. The PBO financial analysis reveals that the government has been less than forthcoming about the cost of this and other planks of its criminal justice platform. Within less than 24 hours of being asked about the costing of the Bill by the media, the department's estimates soared 2200% from 90 million to 2 billion. The PBO estimates the costs as much higher still.

Canadians are being tricked into believing that this and other new laws will make our communities safer. This is the opposite of truthfulness and it comes with an enormous human and financial cost, and at a time when these sorts of measures in the United States are bankrupting state governments and leaving more and more citizens without adequate health care, social services, or educational opportunities. We deserve to know what these law reform measures are going to actually cost us, as well as how they will be funded, so we are encouraging our membership to ask their Members of Parliament to repeal this legislation and request that they fulfill their fiduciary responsibility to Canadians and identify how and why they plan to vote one way or the other on future bills.

We are also asking all of our members to ask such pointed questions as: Will these new laws result in a greater likelihood that our children go without medical care unless we can pay for it? Will it leave your brother homeless? Will our fathers lose their veteran's pensions? Will our grandchildren have even less access to good public education? Will my sister be criminalized and imprisoned when her mental illness goes untreated and she panics on the street corner? This Bill is not at all about truthfulness. Canadians deserve to know at what cost these destructive and fear-inducing measures are being introduced.

We continue to mourn the loss of Ashley Smith and currently await the commencement of the inquest in to her death. Too many others are similarly languishing in isolation, in segregation cells where their treatment creates or exacerbates mental health issues. This year, and in the future, we will continue to advocate for those with mental health issues to be dealt with extra-judicially when and wherever possible. Furthermore, we will continue to work to extricate from the criminal justice and correctional systems, those who have previously been ensnared in those ever widening, deepening and increasingly sticky nets. As our President has reminded us often, we cannot stand idly by and let the decimation of human and Charter rights for these women continue.

Earlier this decade, CAEFS decided to start to approach the United Nations with concerns about the manner in which Canada is increasingly making legislative, policy and fiscal decisions that are increasing the marginalization, victimization, criminalization and imprisonment of women, poor people, racialized people – especially our Indigenous sisters, and those with disabling mental health issues. We have also reiterated our requests to the UN to call upon Canada to establish external, independent correctional oversight and redress mechanisms that are comprehensive and accessible.

Committees examining Canada's record with respect to human rights, women's rights, prisoners' rights, civil and political rights, as well as children's rights, have already voiced their clear and cogent denunciation of the policies and procedures in the federal and youth prison systems which results in the over-classification, segregation and disciplining of women and girls, as well as the discriminatory treatment of racialized and disabled women.

Canada used to have an enviable reputation when it came to protecting and promoting human rights throughout the world. We will continue to encourage the Canadian public to ensure that our Government works to regain that reputation, starting with a renewed

commitment to respecting and upholding human and Charter protected rights for all Canadians, regardless of their sex, race, ability, sexual orientation or politics.

## **Public Education and Proactive Agenda**

### \* Human Rights in Action (HRIA)

Another significant cause for celebration this year was the completion of our five provincial Human Rights in Action training initiatives. In the coming year, we will complete the publication and distribution of the Human Rights in Action manuals for women in provincial lock-up and jails in British Columbia, Saskatchewan, Ontario, Quebec and New Brunswick. The feedback from women inside, as well as CAEFS and correctional staff alike continues to be extremely positive.

### \* Housing Forum

On May 3-4, 2010, the CAEFS Housing Committee, co-chaired by Jennifer Harrington and Paula King, launched National Elizabeth Fry Week with a forum on Parliament Hill. Entitled, *Help Make Canada a Better Place for Women*, this well-attended event highlighted the importance of ensuring that relevant community-based accommodation, mental health support, educational and social services exist for women in girls.

By focusing on the housing needs in particular, the forum presenters identified some of the ways in which such resources are vital to both preventing women from being marginalized, victimized, criminalized and imprisoned, but also to assisting in the community integration process for women who are exiting prison. Please review the report of the committee for more details about the forum and stay tuned for the pod casts of the many incredible presentations made by our members and our allies.

## **Concluding Comments**

As I continue in this, my nineteenth year with CAEFS, I remain grateful for the incredible privilege it has been to work on an ever-evolving agenda, and I believe I will always be in awe of the most amazing women I have ever had the privilege of knowing. The marginalized, victimized, criminalized and institutionalized women with and on behalf of whom we work continue to challenge and inspire me. The personalities and activities throughout our membership continue to enliven my interest and enthusiasm for this work, and I am in awe of the energy and creativity of our staff and volunteers throughout the country.

I am always especially appreciative of the marvelous group of women from across the country, who volunteer their valuable expertise, energy and time to lead this organization and form the Board of Directors of the Canadian Association of Elizabeth Fry Societies. You are the engine and imagination of CAEFS and you keep us moving forward. Thank

you for your clarity of vision, endless enthusiasm and unwavering support. It is my tremendous privilege to work with and for all of you.

As I have said many times before, you epitomize the energy and spirit embodied in the Lilla Watson quotation to which I was introduced when I joined CAEFS in January of 1992. Lilla is an amazing Indigenous woman in Australia, who urged us to remember the symbiosis required to do this work when she said to her allies:

*If you have come here to help me,  
you are wasting our time.  
But if you have come here because  
your liberation is bound up with mine,  
then let us work together.*

A handwritten signature in blue ink that reads "Kim Pate". The signature is fluid and cursive, with the first name "Kim" and last name "Pate" clearly distinguishable.

Kim Pate  
Executive Director  
Canadian Association of Elizabeth Fry Societies